

**JUVENILE JUSTICE/DELINQUENCY  
PREVENTION COMMISSION**

**INSPECTION HANDBOOK  
FOR  
MINORS DETAINED IN ADULT  
FACILITIES**

- **MINORS DETAINED IN JAIL**
- **MINORS IN TEMPORARY CUSTODY IN  
LAW ENFORCEMENT FACILITIES**
- **MINORS IN COURT HOLDING FACILITIES**

**BOARD OF CORRECTIONS  
FACILITIES STANDARDS AND OPERATIONS DIVISION  
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**JUVENILE JUSTICE/DELINQUENCY PREVENTION COMMISSION  
INSPECTION HANDBOOK**

**MINORS DETAINED IN ADULT FACILITIES  
JAILS, LAW ENFORCEMENT FACILITIES  
And  
COURT HOLDING FACILITIES**

**TABLE OF CONTENTS**

<b>INTRODUCTION.....</b>	<b>4</b>
<b>ARTICLE 13. MINORS IN JAILS .....</b>	<b>10</b>
<i>Section 1520. Purpose.....</i>	<i>11</i>
<i>Section 1521. Restrictions on Contact with Adult Prisoners. ....</i>	<i>12</i>
<i>Section 1522. Classification.....</i>	<i>13</i>
<i>Section 1524. Supervision of Minors. ....</i>	<i>13</i>
<i>Section 1525. Recreation Programs. ....</i>	<i>14</i>
<i>Section 1527. Disciplinary Procedures.....</i>	<i>15</i>
<i>Section 1415. Health Education.....</i>	<i>16</i>
<i>Section 1432. Health Appraisals/Medical Examinations. ....</i>	<i>16</i>
<i>Meals and Nutrition .....</i>	<i>16</i>
<b>ARTICLE 14. MINORS IN TEMPORARY CUSTODY IN A LAW ENFORCEMENT FACILITY .....</b>	<b>18</b>
<i>Section 1540. Purpose.....</i>	<i>18</i>
<i>Section 1541. Minors Arrested for Law Violations.....</i>	<i>18</i>
<i>Section 1543. Care of Minors in Temporary Custody. ....</i>	<i>19</i>
<i>Section 1544. Contact Between Minors and Adult Prisoners. ....</i>	<i>19</i>
<i>Section 1545. Decision on Secure Detention. ....</i>	<i>19</i>
<i>Section 1546. Conditions of Secure Detention and Non-Secure Custody.....</i>	<i>19</i>
<i>Section 1547. Supervision of Minors Held Inside a Locked Enclosure. ....</i>	<i>20</i>
<i>Section 1548. Supervision of Minors in Secure Detention Outside of a Locked Enclosure. ....</i>	<i>21</i>
<i>Section 1549. Criteria for Non-Secure Custody. ....</i>	<i>22</i>
<i>Section 1550. Supervision of Minors in Non-Secure Custody. ....</i>	<i>22</i>
<i>Section 1431. Intoxicated and Substance Abusing Minors. ....</i>	<i>22</i>
<b>ARTICLE 15. MINORS IN COURT HOLDING FACILITIES.....</b>	<b>25</b>
<i>Section 1560. Purpose.....</i>	<i>25</i>
<i>Section 1561. Conditions of Detention. ....</i>	<i>26</i>
<i>Section 1563. Supervision of Minors. ....</i>	<i>26</i>
<i>Section 1564. Classification.....</i>	<i>27</i>
<i>Section 1565. Incident Reports. ....</i>	<i>27</i>
<i>Section 1567. Suicide Prevention Program. ....</i>	<i>27</i>
<i>Section 1377. Access to Legal Services.....</i>	<i>28</i>

<b>APPENDIX 1 .....</b>	<b>30</b>
<i>206 Welfare and Institutions Code.....</i>	<i>30</i>
<b>APPENDIX 2 .....</b>	<b>32</b>
<i>207 Welfare and Institutions Code.....</i>	<i>32</i>
<b>APPENDIX 3 .....</b>	<b>33</b>
<i>207.1 Welfare and Institutions Code.....</i>	<i>33</i>
<b>APPENDIX 4 .....</b>	<b>37</b>
<i>208 Welfare and Institutions Code.....</i>	<i>37</i>
<b>APPENDIX 5 .....</b>	<b>38</b>
<i>209 Welfare and Institutions Code.....</i>	<i>38</i>
<b>APPENDIX 6 .....</b>	<b>40</b>
<i>210.2 Welfare and Institutions Code.....</i>	<i>40</i>
<b>APPENDIX 7 .....</b>	<b>41</b>
<i>229 Welfare and Institutions Code.....</i>	<i>41</i>
<b>APPENDIX 8 .....</b>	<b>42</b>
<i>Secure Detention Log.....</i>	<i>42</i>
<b>APPENDIX 9 .....</b>	<b>43</b>
<i>Non-Secure Custody Log .....</i>	<i>43</i>

## INTRODUCTION

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The "Juvenile Justice/Delinquency Prevention Commission Inspection Handbook for Minors Detained in Adult Facilities" has been designed by Board of Corrections (BOC) staff with assistance from the Juvenile Justice/Delinquency Prevention (JJ/DP) Commission Planning Committee and is for use by JJ/DP commissions during the juvenile facility inspection process. The inspection handbook addresses the **Minimum Standards for Juvenile Facilities [Title 15, California Code of Regulations (CCR)]**, that relate to standards and procedures affecting minors who are detained in adult facilities.

This inspection handbook describes only the standards that relate to those facility program issues identified by JJ/DP Commissioners as needing additional discussion or clarification. It is recommended that you review all the standards and their accompanying guidelines prior to conducting your inspection to have each section in context within the overall operation of the facility.

This inspection handbook is intended to explain the regulations, identify issues and propose options to consider when completing a facility inspection. The handbook does not cover every possible contingency; it is intended to assist commissioners in understanding the regulations and applying them to their inspections.

As commissioners you are the ears and eyes of your community. Safety and security are vital elements in operating a facility. You will want to look at these issues as well as at facility programs in your effort to ensure that the minors in the facility are treated in a safe and humane manner.

## FACILITY INSPECTION RESPONSIBILITY

Section 229 of the Welfare and Institutions Code (WIC) instructs the juvenile justice commission to annually inspect any jail or lockup within the county which, in the preceding calendar year, was used for the confinement of any minor for more than 24 hours.

Section 209 of the WIC states that the judge of the juvenile court shall conduct an annual inspection, either in person or through a delegated member of the appropriate county or regional juvenile justice commission, of any law enforcement facility which contains a lockup for adults which, in the preceding year, was used for the secure detention of any minor. You will need to check with your juvenile court judge to determine if this inspection responsibility has been delegated to the commission.

Each year the Board of Corrections sends both the judge and the JJ/DP commission chair a list of the adult facilities that reported the secure detention of juveniles. These facilities require an inspection. It is recommended that you review the video "Temporary Detention of Juveniles in Law Enforcement Facilities" prior to the inspection. This will clarify issues related to secure detention and non-secure custody.

## **PREPARING FOR THE INSPECTION**

It is important to prepare carefully for a facility inspection. Advance notice should be given to the facility administrator so you can schedule a mutually convenient date for the inspection. The facility administrator is the chief probation officer, sheriff or the chief of police, depending on the facility you plan to inspect.

The facility administrator may not be available to meet with you during the inspection and may assign the task to the facility manager or supervisory staff who will be your contact person. Keep the name, title and phone number of your contact person in your inspection file.

Follow up with a letter verifying the inspection date and provide the names of commissioners who will be participating in the inspection. Request any written material that you would like to have made available on the day of the inspection and specific staff you would like to interview. In a jail you would probably want to meet with medical and mental health staff and the school staff.

It would be disruptive to the facility operation to have the entire commission participate in the inspection. It is suggested that you explore the development of an inspection team comprised of no more than five commissioners.

It is important to remember that the WIC provides you with a great deal of leeway in terms of your inspection. You are not required to inspect every aspect of the facility each time you conduct an inspection. It is a good idea to discuss these matters with your judge prior to the inspections to determine if the court has specific needs regarding the inspection.

Call two to three days prior to the inspection to confirm your appointment. Let your contact know if you are planning to have a meal at the facility.

Be on time for your appointment and have proper identification. Facility security is an important issue; you would not want to be turned away because you lack proper identification. It is important to be professional and courteous. Wear comfortable shoes for walking. Take only what you need into the facility. Purses and briefcases should not be brought into the facility.

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## **THE INSPECTION PROCESS**

### **INSPECTION DOCUMENTS**

It is a good idea to review local inspection reports and specific facility documents before touring the facility. You can request and review available documents before arriving at the facility and can examine the rest once you arrive. Review of the documents listed below will provide you with information about the facility operation and areas of concern and areas of non-compliance. These documents will also highlight areas where the facility has developed

innovative programs and streamlined procedures. Note any non-compliance issues and check these areas during your inspection. You should plan to review the following documents:

- *Previous JJ/DP Commission Inspection Reports – What concerns were identified? Have problem areas been corrected?*
- *Latest BOC inspection report - What concerns were identified? Have problem areas been corrected?*
- *Local Inspection Reports including:*
  1. *Fire authority*
  2. *Health administrator*
  3. *Court inspection report*
- *Policy and Procedure Manual – Review the policies and procedures that are the focus of your inspection. This will assist you in determining if there is a discrepancy between policy, procedure and practice.*

When inspecting a jail you will want to review the following:

- *Grievances – Ask to review a sampling of grievances filed by minors. This will give you an idea of concerns expressed by detainees.*
- *Serious Incident Reports – Ask to review a sampling of serious incident reports. These will alert you to incidents involving injuries, restraints, emergencies, escapes and other serious or critical incidents.*

## **INTERVIEWS**

### Entry Interview

Upon arrival at the facility, meet with your contact person. Let your contact know how long you plan to be at the facility and your general plan of action. Arrange a time for the exit interview.

This is a good time to ask if there are specific areas of concern or areas that need particular observation. As commissioners you can be extremely helpful in looking at problematic issues as well as providing feedback and suggestions.

At the time of your inspection there may not be minors in the facility. If there are minors present be sure to complete an interview with a sampling of youth. Interviews with minors and staff are a vital part of the inspection process and will provide you with data about the day to day operation of the facility. Interviews should be conducted with privacy in mind. You can conduct interviews in the unit day room, exercise area, dining hall or wherever you can find a fairly secluded spot. It is not necessary to have staff and minors brought to an interview room.

It is important that you do not share your impressions of the facility with minors or staff. Your observations can be shared with your contact person at the time of the exit interview.

### Exit Interview

The exit interview is a critical part of the inspection. During this meeting you can ask for clarification of issues and share your observations. Be sure to share positive observations as

well as your concerns. If there are non-compliance issues, determine a mutually agreeable date that you can expect to have these issues addressed and corrected. Tell your contact when he/she can expect your written follow-up.

#### Prompt Written Follow-up

It is courteous and professional to follow the inspection with a prompt written follow-up. A thirty-day period should be ample time to put your thoughts and observations into written form. If you wait several weeks or months the information becomes less meaningful and may no longer be accurate.

Be sure to follow your commission protocols regarding the signing and distribution of the report. Remember that the inspection report is submitted by the commission, not by an individual member of the commission. Send a copy of your inspection report to your presiding juvenile court judge and the Board of Corrections. We recommend that copies also be sent to the facility administrator (sheriff or chief of police) and the facility manager.

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### **JAILS, LOCKUPS, AND COURT HOLDING FACILITIES**

These sections are intended to provide JJ/DP Commissioners with information that will assist them in completing inspections of jails, lockups, and court holding facilities. While the federal Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) and associated regulations provide the basis for California's laws governing the detention of minors in adult facilities, this document contains only California statutes and regulations. Because California statutes meet or exceed the requirements provided in the JJDPA, an agency in compliance with them also will comply with federal statute and regulations.

This section is subdivided into three sections to address the three types of adult detention facilities where minors may be detained. For the purposes of these juvenile statutes, regulations and guidelines:

- **"Jail"** is defined as a locked adult detention facility which holds both non-sentenced and "convicted adult criminal offenders",
- **"Lockup"** is any locked room or secure enclosure under the control of the sheriff or police chief or other peace officer which is primarily for the temporary confinement of adults upon arrest. Inmate workers may also be held, and
- **"Court holding facility"** is a secure detention facility located within a court building, used for the confinement of persons solely for the purpose of a court appearance for a period not exceeding 12 hours.

**Articles 13 - 15, Title 15, California Code of Regulations, Minimum Standards for Juvenile Facilities, and other applicable Sections**, relate to minors held in adult jails, lockups and court holding facilities. The three different regulation areas relate to three distinctly different facility types and circumstances of detention. Four **statutes** found in the WIC, Sections 207.1, 208, 209, and 210.2 provide the basis from which the regulations were

developed.

The following discussion sections, one set for each facility type, are intended to explain the regulations and identify issues that should be considered when conducting an inspection. They are neither mandatory, nor limiting, nor do they cover every possible contingency.

Readers should be cautioned to confine their examination of these discussion sections to the facility type for which they are intended. For example, the circumstances where a minor may be legally detained in a jail are entirely different from those of minors temporarily detained in a law enforcement facility that contains a lockup. Consequently, the regulations governing these two circumstances are also very different.



## **ARTICLE 13 AND OTHER APPLICABLE SECTIONS**

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# **MINORS IN JAILS**

## Article 13. Minors in Jails

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### FACILITY TOUR

It is suggested that you begin the facility tour at the booking/receiving unit. This will provide you with an opportunity to become acquainted with the booking and intake process.

Ask questions and observe security as you proceed through the facility. Be sure to tour the following areas: holding, medical unit, housing unit for juveniles, dining hall, classrooms (if present), visiting area, kitchen, and exercise areas.

As you tour the facility it is suggested that you consider the questions and topics listed below.

- *Are the exterior and interior of the building in good condition? Is there graffiti, peeling paint, unpleasant odors, or other signs of deterioration?*
- *Are the grounds, exercise areas, and playing fields in good condition? Is there adequate exercise equipment? Is the equipment in good condition?*
- *Is the facility clean? Observe the windows, lighting, lockers, desks, conditions of the mattresses, bedding and pillows, etc.*
- *Are the door panels on cells in good condition?*
- *Is the temperature of cells and dayrooms appropriate to the climate?*
- *If minors are in the facility, note their appearance. Does clothing fit properly? Is clothing appropriate to the climate? Are there sufficient blankets?*
- *Observe safety and security issues including fencing, outdoor lighting, and location of the weapons locker.*
- *Are minors allowed postage-free mail? Is incoming and outgoing mail read? Are there provisions for confidential correspondence?*
- *Are minors able to attend religious services? How do minors access religious counseling?*
- *How do minors access medical and mental health services?*
- *For a more complete understanding of a jail operation it is recommended that you also conduct interviews with the cook and kitchen staff, medical personnel, and school staff.*
- *Is there adequate space and convenient times for visiting? Does staff supervise visits? Have all minors had visits? If not, why not?*

### Interviews with Minors

If minors are present in the facility it is best to have a one-on-one interview. Minors can become intimidated if two adults are present during the interview. On the other hand, two or more minors together can spend much of the interview trying to impress one another and you may not receive accurate responses. It is a good idea to ask open-ended questions. We have included some sample questions below.

- *What do you like best about this facility?*
- *What is your daily schedule?*
- *How do you arrange to see the nurse?*
- *What is the grievance process?*
- *What have you been doing in school?*
- *How did you learn about the rules?*
- *What would you like to see changed in this facility?*
- *How do you get along with staff?*

It is not appropriate to discuss the minor's offense, case or other personal matters. Your interview should focus on the experience of the minor in the facility. If the minor attempts to engage you in a discussion of his/her case you need to make it clear that you cannot discuss these matters.

## **ARTICLE 13 AND OTHER APPLICABLE SECTIONS**

### **Section 1520. Purpose.**

**Discussion:** Under California statute a minor is defined as a person under 18 years of age. **Section 207.1 (b) WIC** provides for the confinement of minors in adult jails under specified conditions. In order to be admitted to and lawfully detained in an adult jail a minor must have been determined by the juvenile court to be unfit for juvenile court proceedings and ordered transferred to a court of criminal jurisdiction for prosecution under the General Law. The minor may be remanded to the custody of the sheriff and be housed in a facility that meets statutory requirements for separation from adults. Housing juveniles in jails creates concern for facility administrators. Jails were not designed to house minors; issues of separation, safety, education, recreation, and diet must be addressed.

For the purpose of **Federal Law**, a person under the age of 18 years detained in an adult jail pursuant to Section 207.1 WIC is considered an adult.

The California Constitution and related statute requires that education be provided to persons under 18 years of age unless they have graduated from high school or achieved an equivalency, such as the GED, voluntarily withdraw or are excluded in accordance with California Education Code provisions. The County Superintendent of Schools is the appropriate authority to determine access to specific education programs for a minor and determines, in cooperation with the facility administrator, how best to provide education services as specified in the Education Code. This decision is to be consistent with the resources and limitations of the facility. Familiarize yourself with the educational

opportunities offered to minors.

- *How many minors are attending school?*
- *How many minors are on independent study?*
- *How many teachers are on staff?*
- *How frequently are substitute teachers used?*

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## **Section 1521. Restrictions on Contact with Adult Prisoners.**

**Discussion:** The basis of the prohibition on contact between adults and minors is described in **Section 208(a) Welfare and Institutions Code (WIC)**. This Section makes it unlawful to allow any person under 18 years of age to come or remain in contact with adults in any institution where adults are confined.

"Contact" is defined as "communication, whether visual or verbal or immediate physical presence." Consequently, communication must be between the minor and an adult inmate either verbally or through body gestures. Gang hand signs are the most common communication. Additionally, placing a minor in the same cell with an adult is not allowed, even if there is no communication. Conversely, a minor overhearing an adult speaking, such as when an adult inmate calls for a correctional staff is not prohibited. Overhearing "ambient noise" is not considered communication.

This section specifies those limited occasions where a minor who is lawfully detained in a **jail** may be in the "incidental" physical presence of an adult prisoner, and still be in compliance with statutes and these regulations. In all occasions where this incidental presence is allowed, facility staff, trained in the supervision of inmates shall maintain constant side by side presence with either the minor or the adult to prevent communications between either person.

Finally, **208(c) WIC** allows minors in the presence of adults while participating in supervised programs to include: group therapy, supervised treatment activities, work furlough programs, and hospital recreation activities. In all cases the minor's living arrangements must be strictly segregated and all precautions must be made to prevent unauthorized association.

During the inspection you will want to determine how minors are separated from adults in the facility.

- *Where are the cells for minors located?*
- *What is the condition of the cells?*
- *Is use of the exercise yards and other areas on a schedule to permit use by juveniles?*

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## **Section 1522. Classification.**

**Discussion:** The purpose of classification is to ensure the appropriate housing and programming of minors for their safety, the safety of staff, and that of the facility. The classification plan must be written. It is to be based on objective criteria that are defensible in cases of litigation as well as uniformly understood and applied. When properly designed, violence, confrontations and subsequent litigation are reduced.

The classification system must separate minors from adults as required by law and also separate the sophisticated from the naive, the violent from the nonviolent, and the passive from the aggressive. The classification system should assist in identifying security risks, the physically and mentally ill, those requiring protective custody, those who may become victims of assertive and assaultive inmates and those eligible for and suited to facility programs.

All medical, mental health, dental and related services provided to adult inmates in accordance with the adult standards are also available to minors. This provides a full range of health care services to detained minors, and would generally cover any medical or related health care needs. Necessary health services for minors, especially those 14 and 15 years of age, may differ somewhat from those for adults. If a minor appears to be in need of any health care services, or complains of not feeling well, or specifically requests such services, the facility must have the ability and resources to respond in a timely manner.

Minors tend to be more prone to suicide than adults. Suicide is the second leading cause of death among youths. It is generally held that such acts occur out of feelings of isolation, humiliation, parental deprivation, depression and lack of self worth. These feelings are much more likely to be prevalent among youth held in detention facilities and may accompany or be masked by negative or hostile attitudes and behavior, sometimes of violent proportion. Suicide usually occurs when the minor is alone either early in the detention experience or after some significant event such as sentencing or a visit from family. It tends to happen at night or at other times when supervision is minimal, and it is more likely to occur in a detention as opposed to a treatment facility.

- *Does the classification plan separate minors from adults?*
- *Are security risks identified?*
- *How are minors in need of protective custody separated?*
- *How do minors access health care?*
- *Is the suicide prevention plan comprehensive?*
- *Have there been suicides or suicide attempts by minors since your last inspection?*

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## **Section 1524. Supervision of Minors.**

**Discussion:** This standard is an enhancement of the adult regulations, and recognizes the need to provide closer supervision of minors in this environment. Minors incarcerated in jails usually pose an increased possibility of self-destructive behavior. Recognizing this more

frequent "safety checks" than those afforded the adult general population is prudent as is increased diligence on the part of jail staff.

This section calls for these safety checks on minors to be no less than every 30 minutes. Checks should be made on an irregular basis to decrease the likelihood that the minors will anticipate the exact time of the checks. The more frequently staff observes minors, the more opportunity there is to supervise and intervene if necessary.

Safety checks may be counted anytime jail staff observe the minor. For example, a safety check occurs when staff is distributing meals, clothing, bedding or mail, as they are in the position to assess the well being of the minor. When non-custody staff perform safety checks, for example medical staff who are distributing medications, those observations must be documented to count as a safety check. All safety checks need to be through the eyes of staff and not through the lens of a camera or audio device. It is necessary to observe "skin" and see the minor breathing to have accomplished the safety check appropriately. It is not sufficient to observe a minor who is covered by a blanket.

Safety checks must be documented; the use of a bound logbook with all entries in ink would suffice. Computerized systems, which may be found in jails, also provide credibility. During the inspection you should ask to review the documentation of safety checks. The BOC recommends that facilities not use logs with pre-printed times.

BOC will determine if there is sufficient staff to meet the requirements of the standard. The JJ/DP commission can be helpful in determining how staff is used during the day to day operation of the facility. Observe interactions between minors and staff.

- *How does staff feel about supervising minors?*
- *What are their concerns?*

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## **Section 1525. Recreation Programs.**

**Discussion:** Recreation and exercise for minors take on added importance primarily because of the continuing developmental needs of adolescents. Recent legislation signed into law provides that minors as young as 14 years of age can be subject to criminal court prosecution. When a determination is made by a juvenile court that a minor is unfit for juvenile court proceedings, the court has the discretion to remand such person to the custody of the sheriff. In most cases a minor would remain in juvenile hall, at least until age 16, but he or she could be placed in a jail if behavior is such that the minor cannot be controlled and he or she is a major disruption in the juvenile hall. The jail must have the capability to comply with separation (from adults) statutes and regulations pertaining to the confinement of minors.

When a minor under 16 years of age is detained in an adult jail, provision must be made for exercise and recreation on a scheduled basis at least one hour each day. Such activity shall consist of the opportunity for large muscle exercise in an area specifically designed for such purpose. An exercise area usually available to adults may be used, as long as such use is at a

time when no adult inmates are present. Daily exercise is not only important for the development of youth, but also assists in maintaining a positive environment in the custody setting. Detained minors are often immature, unstable and volatile especially those transferred to adult jails. The opportunity for release of energy and hostility provided by exercise and the time outside the room or cell is likely to have a positive and calming effect on minors.

Minors who are over 16 years of age must be provided at least the same opportunity for exercise and recreation as adult inmates in the facility. These minors tend to be much more physically mature than 14 and 15 year olds and exercise and recreation needs relate more closely to those of adults than children. Try to time your inspection so that you can observe the recreation activities provided for minors.

- *How much time is allowed for recreation and exercise during a week?*
- *What types of exercise and recreation are provided?*
- *Are minors involved in the activity?*
- *Is there adequate recreation and sports equipment?*

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## **Section 1527. Disciplinary Procedures.**

**Discussion:** This standard assures that a minor will be knowledgeable of the facility's rules and expectations and includes the concept of the least severe action commensurate with the behavior of the minor, and the safety and security of the facility. Due process and a grievance procedure are in place to protect the minor.

Minors under disciplinary confinement status cannot be placed in administrative segregation units in which adults are confined. Minors who are confined to a room or cell, as a disciplinary measure must be detained in the area set-aside for minors. The increased potential for suicide in isolation is a factor; the mental state of the minor must be considered. Frequent safety checks at irregular intervals must be made and documented. Counseling should be provided and the minor should return to regular program status at the earliest possible time.

The only other form of discipline permitted for minors in jail is loss of privileges. Privileges include commissary, personal correspondence, television viewing, and services and activities which exceed those, required by minimum standards

During your inspection you should discuss the frequency and types of discipline related to juveniles in the facility and review a sampling of grievances.

- *How are minors oriented upon admission to the facility? What if the minor is non-English speaking or cannot read?*
- *Are rules posted?*
- *Are grievance forms available?*
- *Do minors understand the grievance procedure?*

## **Section 1415. Health Education.**

**Discussion:** Facilities can be creative in finding effective and cost-efficient methods for delivering health education services. Health education can be incorporated into the regular school curriculum, offered in the form of audio or video materials, or provided by some other means that meets the needs of the confined population. For example, some facilities have utilized food services personnel to address the subjects of nutrition and obesity.

Regardless of the method of delivery of health education, it is recommended that each facility maintain a record of classes, including the overall plan for what will be offered. You can ask to see these records and can discuss the curriculum with staff and minors.

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## **Section 1432. Health Appraisals/Medical Examinations.**

**Discussion:** This standard applies to all juvenile facilities as well as to jails that hold minors. Lockup and court holding facilities are excluded, as they do not detain minors long enough for the requirements to apply.

The health appraisal/medical examination is a systematic approach to evaluate the health care needs of minors, regardless of whether they have requested attention. The standard calls for completion of the evaluation within 96 hours of arrival at the facility. The time frame is not modified due to weekends, holidays, or other factors. Determine how this procedure works in the facility.

- *Are minors receiving their exams within 96 hours?*

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## **Meals and Nutrition**

**Discussion:** The county health department conducts an annual inspection of the facility and will address each of the standards related to diet and nutrition. Commissioners are not expected to have detailed knowledge about menus and nutrition.

Meals and nutrition are important for minors. If possible eat a meal at the facility.

- *Are staff present and supervising minors?*
- *Are minors required to eat alone in their cells?*
- *Are servings ample, nutritious and appetizing?*
- *Are weaker youth protected from having food taken from them? In order to prevent intimidation many facilities have a rule that food cannot be shared among detainees.*

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## **ARTICLE 14**

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# **MINORS IN TEMPORARY CUSTODY IN A LOCKUP/LAW ENFORCEMENT FACILITY**

## Article 14. Minors in Temporary Custody in a Law Enforcement Facility

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### Section 1540. Purpose.

**Discussion:** This article refers to minors who are accused of violating a law defined as a crime for persons over 18 years of age and who have been taken into temporary custody by law enforcement officers pursuant to **Section 602, Welfare and Institutions Code (WIC)**. Although statutes generally prohibit **any** minor from being detained in a jail or lockup, an exception permits minors to be securely detained, or in non-secure custody, in a law enforcement facility that contains a lockup (e.g. a Type I or Temporary Holding Facility) for no more than six hours. This six-hour exemption is provided for the law enforcement agency to complete an investigation of the case, facilitate release to a parent or guardian, or to arrange transfer to a juvenile facility.

- *Are minors provided with orientation including the purpose of detention, length of stay and the six-hour time limit?*

Recognizing that minors should be afforded many of the same protections afforded to adults while in adult facilities, and that lockups were designed primarily to hold adults, the adult “minimum jail standards” contained in Sections 1000 et seq. Title 15, California Code of Regulations (CCR) shall equally apply to minors. However, in recognition that temporary custody of minors in adult facilities presents several unique issues that are subject to both federal and California statute, the regulations in this article also apply to minors.

The BOC has provided agencies with suggested log forms for documenting secure detention and non-secure custody. A facility may choose to use their own format, but must include all of the information contained on the BOC form. Samples of the log forms are included in Appendix 8 and 9. **A major part of the JJ/DP Commission inspection responsibility will be to review the facility logs for compliance with the standards discussed in this section.**

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### Section 1541. Minors Arrested for Law Violations.

Any minor taken into temporary custody by a peace officer, on the basis that they are a person described by Section 602 of the Welfare and Institutions Code, may be held in secure detention or non-secure custody within a law enforcement facility that contains a lockup for adults provided that the standards set forth in these regulations are met.

Appropriate discipline for minors and adult inmates who fail to follow facility rules is accepted practice in long term facilities; however it is entirely inappropriate for minors who are in temporary custody for six hours or less.

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### **Section 1543. Care of Minors in Temporary Custody.**

**Discussion:** There are access issues that apply equally to both adults and minors detained in law enforcement facilities. These include access to toilet and washing facilities, access to drinking water, adequate clothing, blankets to insure comfort, and privacy during attorney consultations. Minors require additional attention simply by virtue of their age.

Young people burn vast quantities of calories, in part to provide for growth. Recognizing this, and attempting to provide a practical and realistic approach to deal with these increased nutritional needs, this standard provides for a snack to be provided to the minor. This snack need only be provided if the minor requests it and only once during the term of the temporary custody. The snack should be nutritious, but otherwise the standard does not mandate a specific food type. Many agencies elect to exceed this **minimum** standard by providing a snack to every minor who comes into custody for more than four hours; a practice the BOC endorses.

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### **Section 1544. Contact Between Minors and Adult Prisoners.**

**Discussion:** Contact between adult inmates (prisoners) and minors is declared by **Section 208 WIC** as “unlawful.” Contact is described as communication whether verbal or visual, or immediate physical presence. This said, it is also recognized that by the very nature of the operations of a law enforcement facility, there will be the “incidental presence” between minors and adult inmates in law enforcement facilities. This Section recognizes this and provides for the method where this presence will be controlled and managed by the law enforcement agency through the exception later discussed in regulations (**Section 1546**).

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### **Section 1545. Decision on Secure Detention.**

**Discussion:** **Section 207.1 (d) WIC** specifies that, in order for a minor to be placed in secure detention (i.e. a locked room/cell or handcuffed to a fixed object) the minor must be at least 14 years of age and the peace officer must have a reasonable belief that the minor presents a serious security risk of harm to self or others.

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### **Section 1546. Conditions of Secure Detention and Non-Secure Custody.**

**Discussion:** This section provides the peace officer who has a minor in temporary custody, with a set of criteria that specifically defines the term “secure detention”. Minors who are held in a locked room, cell or other enclosure are securely detained. Additionally, minors

who are handcuffed to a fixed object such as a bench, chair or table are likewise “securely detained”. Minors who are held in an unlocked room, yet are handcuffed to themselves, are not securely detained.

A law enforcement facility usually contains adult inmates (prisoners) who are in custody for committing crimes and must be processed (booked) into the lockup. Minors who are likewise accused of committing crime(s) are also processed at these facilities prior to being released to a parent or guardian, or transported to a juvenile facility. It is cost prohibitive and illogical to expect law enforcement facilities to be constructed in such a way that a minor would never see or hear an adult inmate. At the same time, peace officers must ensure that there is no **contact** between minors and adult prisoners. Therefore this section addresses those circumstances where minors and adult inmates may come into the “incidental presence” of each other and the safeguards that law enforcement must take when this occurs.

Any minor, whether in secure detention or non-secure custody, may be processed (fingerprinted, photographed) in a lockup. If an adult inmate is present, staff (either the peace officer or correctional staff) must maintain constant, side-by-side presence with either the minor or adult. Staff must have prior training in the supervision of inmates, and must ensure that **contact** does not occur between the minor and the adult inmate. This same level of supervision would also extend to circumstances where a minor is being medically screened, while an inmate worker is present and during the movement of persons in custody through the law enforcement facility.

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#### **Section 1547. Supervision of Minors Held Inside a Locked Enclosure.**

**Discussion:** This section applies to securely detained minors who are held in a locked cell, room or other enclosure and describes the measures that law enforcement staff must take to ensure the safety of that minor.

Minors who are taken into custody by law enforcement pose a risk of self-destructive behavior. Recognizing this, constant auditory access to staff by the minor must be maintained. This access may be either by direct face-to-face contact or through the use of a monitor or voice actuated “audio monitoring” device. This may also include a camera, but the “soundless” camera may never replace the auditory requirement. The bottom line is that the minor must be able to immediately contact staff at any time while in secure detention. Determine if staff is available to supervise minors.

This auditory access to staff must be supplemented by direct and personal visual supervision of the minor by staff no less than every 30 minutes. This means that staff shall not rely on any artificial means such as a video and/or audio devices to make this check. These devices may supplement but shall never replace direct checks.

Whenever a minor is placed into “Secure Detention”, Section 207.1 (d)(1)(C) WIC requires that the officer shall inform the minor of (1) the purpose of the secure detention, (2) the length of time the secure detention is expected to last and (3) the fact that the minor will not be held

in secure detention longer than six hours. Additionally, the agency may consider using a standardized form, which includes the required language and documents the advisement.

Like most everything else in the custody environment, a good rule of thumb is “what is not documented, never happened.” This is especially true in documenting compliance with the need to provide direct visual supervision of minors. This documentation must be credible. To ensure its credibility, the document should reflect the exact time the check was made. It should be made with an ink pen and the watch commander or other supervisor (who should add their initials, serial number, or name to the document) should periodically inspect it. Finally, the document should be maintained like every other important record by the law enforcement agency.

Male and female minors may not be locked in the same holding cell, room or other enclosure unless staff provides constant direct visual supervision.

In addition to the provisions for documentation discussed in this Section, Section 207.1 (d)(1)(F) WIC requires that a log, or written record, be maintained showing the offense and reasons which formed the decision to place the minor in secure detention, as well as the length of time the minor was securely detained. During the inspection, review logs to determine compliance with this section.

- *Are logs current, complete and legible?*
- *Are reasons for secure detention noted?*
- *Is the offense noted?*
- *Are there instances in which the minor was held for more than 6 hours? If yes, why?*

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#### **Section 1548. Supervision of Minors in Secure Detention Outside of a Locked Enclosure.**

**Discussion:** This section refers to minors who are held in secure detention by means of being handcuffed to a fixed object such as a bench, chair or table.

Minors who fit the criteria of those who require secure detention should be placed in a locked enclosure. When this is not possible due to physical plant constraints they may be secured to a fixed object. During the entire time they are so detained, there must be staff present to ensure the minor's safety and to ensure that there is no contact with adult inmates. Generally, this type of detention should not last beyond 30 minutes, but when it does, there must be a second level of review every 30 minutes that the minor is so detained. This review shall involve the approval of the watch commander (every 30 minutes) together with the reason(s) that the minor needs continued secure detention outside of a locked enclosure. The watch commander should also certify that a locked enclosure is not available or practical, and why. Similar to the documentation for the checks made while a minor is in a locked enclosure, this record needs to be credible. Review logs to determine compliance with this section.

- *If a minor is in secure detention outside of a locked enclosure are the above requirements*

- noted on the log?*
- *Was there been a 30 minute review and approval by the watch commander?*
- *Are logs current, complete and legible?*

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#### **Section 1549. Criteria for Non-Secure Custody.**

**Discussion:** This section addresses those minors who are held in temporary custody by a law enforcement agency for committing a crime (602 WIC) who do not fit the criteria for secure detention. The brief time period referred to in this standard is no more than six hours except under extremely limited circumstances such as inclement weather, natural disasters, or other “acts of God” which result in the unavailability of transportation. Another limited exception to the “six hour rule” is for minors taken into custody on Catalina Island. This six hours is mandated in federal statute. Entry and release times for minors in nonsecure detention must be documented and available for review. Review logs paying particular attention to this documentation.

*Are logs current, complete and legible?*  
*Do logs reflect entry and exit times?*  
*Were there exceptions to the 6 hour limit? If yes, why?*

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#### **Section 1550. Supervision of Minors in Non-Secure Custody.**

**Discussion:** This section refers to how minors in non-secure custody will be supervised while in the law enforcement facility. While it is preferable to supervise the minor in the same room, there is a limited amount of latitude allowed with this standard. For example, law enforcement staff seated outside an interview room who still have direct personal visual access to the minor seated inside the room is allowed. The key here is that the minor must be **directly and constantly** observed by staff during the entire custody period

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#### **Section 1431. Intoxicated and Substance Abusing Minors.**

**Discussion:** Juveniles who are arrested while intoxicated from alcohol or other substances are at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, or markedly disordered behavior related to amphetamines, hallucinogens or other drugs. This standard requires that a medical clearance be obtained prior to acceptance of minors into juvenile facilities whenever the minor displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency. Important examples of the latter include a minor who has concealed a balloon containing drugs in a body cavity, or juveniles who may

have ingested large quantities of drugs immediately prior to arrest in order to eliminate evidence. These minors may initially appear normal, but their condition can rapidly deteriorate.

Once accepted into the facility, a safe setting for the minor to recover under observation must be determined. Facilities will vary with respect to use of regular housing rooms versus specially designed "safe" rooms that provide varying types of safeguards and ease of observation. Documented personal observation by staff must be conducted at least every fifteen (15) minutes. Many facilities opt for more frequent observation, especially during the first few hours. When it is clear that recovery is progressing, the intensity of observation may relax slightly, but should

remain at fifteen-minute intervals until the minor is determined to no longer be intoxicated.

- *Review procedures with staff.*
- *How frequently are intoxicated minors brought into the facility?*
- *Where are they detained?*
- *Review the safety check log for compliance with the standard.*

## **ARTICLE 15**

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# **MINORS IN COURT HOLDING FACILITIES**



## Article 15. Minors in Court Holding Facilities

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**Discussion:** In 1997 the BOC developed standards for minors held in adult court holding facilities. Prior to that, while there were standards for adults in these facilities, there were no regulations that related specifically to juveniles. The BOC has authority and responsibility for biennially inspecting only those court holding facilities built after 1978. When resources allow, BOC staff provides technical assistance to court holding facilities constructed prior to 1978 and inspects a sample of those facilities.

Although court holding facilities are not specifically described in Section 229 WIC, it is strongly suggested that JJ/DP commissions inspect all facilities in which minors are securely detained. This would include court holding facilities. The BOC does not maintain a list of all court holding facilities in the state, only those constructed after 1978, as discussed above. Your commission will have to develop a complete list of facilities in your county. Contact your Sheriff and Chief Probation Officer to obtain the locations of court holding facilities holding both adults and juveniles.

Some county probation departments have a court holding area connected to juvenile hall and do not detain adult inmates in these facilities. The standards discussed below do not pertain to these facilities.

### Section 1560. Purpose.

**Discussion:** The purpose of this article is to establish standards for court holding facilities in which minors are held pending an appearance in juvenile or criminal court. Such detention would likely span a period from less than an hour to all day, but would never exceed 12 hours or be overnight. These standards apply to any holding facility in a court building in which minors are detained. Such a facility may be adjacent to a juvenile hall or adult jail or in a freestanding structure that serves all or in part as a courthouse.

Section 208 of the Welfare and Institutions Code (WIC) makes it unlawful to allow a minor to come or remain in contact with adults in any facility where adults are confined. Such restrictions would apply to a court holding facility administered by a sheriff's or probation department, marshal's office or other public or private agency having responsibility for such facilities.

"Contact" is defined elsewhere in these regulations as "communications, whether visual or verbal, or immediate physical presence." Consequently, communications must be between the minor and adult inmate, either verbally or through bodily gestures. Gang hand signs are the most common communication. Additionally, placing a minor directly next to an adult is not allowed, even if there were no communication. Conversely, a minor overhearing an adult speaking, such as when an inmate calls for a correctional staff, is not prohibited. Overhearing "ambient noise" is not considered communications.

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## Section 1561. Conditions of Detention.

Court holding facilities shall be designed to provide the following:

- (a) Separation of minors from adults in accordance with Section 208 of the Welfare and Institutions Code.
- (b) Segregation of minors in accordance with an established classification plan.
- (c) Secure non-public access, movement within, and egress. If both minors and adults use the same entrance/exit, movements shall be scheduled in such a manner that there is no opportunity for contact/communication.

An existing court holding facility built in accordance with construction standards at the time of construction shall be considered as being in compliance with this article unless the condition of the structure is determined by the appropriate authority to be dangerous to life, health, or welfare of minors. Check with your BOC Field Representative if you have questions about compliance.

- *How do minors enter the court holding facility?*
- *Where are they held while awaiting a court appearance?*
- *What methods are used to separate juveniles from adults?*

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## Section 1563. Supervision of Minors.

**Discussion:** There is no established formula for the number of staff or ratio of staff to minors, which must be maintained in a court holding facility. At a minimum, however, at least one staff must be on duty when a detained minor is present and both male and female staff whenever both male and female minors are detained

This regulation calls for the direct visual observation of minors by custody staff. Staff must be constantly in the presence of the minor. Audio and visual surveillance may and often should be utilized to supplement such observation as an added safety measure and precaution, but cannot replace direct visual observation by custody staff. Staff must actually see each minor detained to the extent that a judgment can be made as to the minors' general condition, welfare, behavior and demeanor. Staff must be able to respond to any situation warranting an intervention and take appropriate action. It is not good practice to rely on staff with multiple responsibilities, such as dispatch, for the supervision of minors in court holding facilities, since supervision requires safety checks and response to emergency situations.

- A written plan, which includes documentation of safety checks, is essential. This regulation requires that safety checks of minors occur at least **twice every 30 minutes**. It is suggested that checks occur at irregular intervals so minors do not anticipate when checks will occur. This is more frequent than the adult requirement for hourly checks and is based on the enhanced propensity of minors for immature and volatile behavior and greater potential for suicide.

- *Are safety checks occurring twice every 30 minutes?*
- *Part of your inspection will be to review the safety check log to assure that staff is distinguishing between adults and juveniles when determining the frequency of their checks. Are logs being maintained? Is the information complete, current, and legible?*

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#### **Section 1564. Classification.**

**Discussion:** The purpose of classification in a court holding facility is to ensure that important information about minors accompanies those minors so that court holding facilities can receive, detain and return minors safely. Court holding facilities do not require a comprehensive classification system. A plan for transmitting information to a place where classification, segregation and special care or supervision will occur is sufficient. Determine how is this accomplished in the facility you are inspecting.

If a minor is being held in protective custody, for example, or if minors from rival gangs are being taken to court at the same time, the court holding facility personnel must have this information in order to avoid transporting or holding these minors inappropriately. Minors who pose a danger to staff or other minors must be handled accordingly.

- *Is classification information received in a timely manner? If you determine that there are problems, the JJ/DP commission can make suggestions for improving communication and can monitor progress.*

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#### **Section 1565. Incident Reports.**

**Discussion:** Incidents which result in physical harm or serious threat of physical harm to staff, minors, other inmates or persons in a court holding facility require immediate attention from the authority in charge. Ask to review incident reports in which minors are involved.

- *What are the types and frequency of incidents involving minors?*

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#### **Section 1567. Suicide Prevention Program.**

**Discussion:** Suicide prevention is crucial to the safety of minors and operation of the facility. A written suicide prevention plan is required. The plan in a court holding facility should be designed to identify, monitor and intervene as necessary for those minors who present a suicide risk. During your inspection you can review the plan and discuss the issues of suicide

prevention with staff.

As mentioned previously in these guidelines, minors tend to be more prone to suicide than adults. Some of the dynamics, which put minors at greatest risk, can occur in the context of a court appearance. Feelings of isolation, lack of self worth, parental and family disinterest or alienation can be reinforced, and the shock of a conviction or severe sentence might exacerbate suicidal ideation and/or behavior.

- *Have there been suicides or suicide attempts by minors in the court holding facility?*

### **Section 1377. Access to Legal Services.**

**Discussion:** Minors have a constitutional right to unimpeded access to attorneys and legal representation. Facilities must have space designated for the confidential interviewing of clients by their counsel (see **Title 24, Section 460A.2.24**) and, upon request, staff must make minors available to their attorneys at reasonable times.

The needs of attorneys vary from a short contact at the visiting window to space needed for paperwork in preparation for a hearing or trial. The visit must be confidential and may be a contact visit. Generally, contact includes the ability to have a conversation without a microphone and the ability to pass documents. Not every attorney will need or want a contact visit, and the facility manager can require special security arrangements and procedures based on valid interests.

Court holding facilities and jails deal with the issue of attorney visits as a routine. There will be a need for standard procedures to process attorney visits and the flexibility to handle visits with special requirements. Client interviews for minors at a facility should not take place during meals or other key activities. Extenuating circumstances may occur and conflicts of schedules may occur.

- *How and where are attorney visits for minors accomplished in the facility?*

# APPENDIX

## APPENDIX 1

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### 206 WELFARE AND INSTITUTIONS CODE

206. Persons taken into custody and persons alleged to be within the description of Section 300, or persons adjudged to be such and made dependent children of the court pursuant to this chapter solely upon that ground, shall be provided by the board of supervisors with separate facilities segregated from persons either alleged or adjudged to come within the description of Section 601 or 602 except as provided in Section 16514. Separate segregated facilities may be provided in the juvenile hall or elsewhere.

The facilities required by this section shall, with regard to minors alleged or adjudged to come within Section 300, be nonsecure.

For the purposes of this section, the term "secure facility" means a facility which is designed and operated so as to insure that all entrances to, and exits from, the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences, or physical restraints in order to control behavior of its residents. The term "nonsecure facility" means a facility that is not characterized by the use of physically restricting construction, hardware, and procedures and which provides its residents access to the surrounding community with minimal supervision. A facility shall not be deemed secure due solely to any of the following conditions:

(1) the existence within the facility of a small room for the protection of individual residents from themselves or others; (2) the adoption of regulations establishing reasonable hours for residents to come and go from the facility based upon a sensible and fair balance between allowing residents free access to the community and providing the staff with sufficient authority to maintain order, limit unreasonable actions by residents, and to ensure that minors placed in their care do not come and go at all hours of the day and night or absent themselves at will for days at a time; and (3) staff control over ingress and egress no greater than that exercised by a prudent parent. The State Department of Social Services may adopt regulations governing the use of small rooms pursuant to this section.

No minor described in this section may be held in temporary custody in any building that contains a jail or lockup for the confinement of adults, unless, while in the building, the minor is under continuous supervision and is not permitted to come into or remain in contact with adults in custody in the building. In addition, no minor who is alleged to be within the description of Section 300 may be held in temporary custody in a building that contains a jail or lockup for the confinement of adults, unless the minor is under the direct and continuous supervision of a peace officer or other child protective agency worker, as specified in Section 11165.9 of the Penal Code, until temporary custody and detention of the minor is assumed pursuant to Section 309. However, if a child protective agency worker is not available to supervise the minor as certified by the law enforcement agency, which has custody of the minor, a trained volunteer, may be directed to supervise the minor. The volunteer shall be trained and function under the auspices of the agency which utilizes the volunteer. The minor may not remain under the supervision of the volunteer for more than three hours. A county, which elects to utilize trained volunteers for the temporary supervision of minors, shall adopt

guidelines for the training of the volunteers which guidelines shall be approved by the State Department of Social Services. Each county which elects to utilize trained volunteers for the temporary supervision of minors shall report annually to the department on the number of volunteers utilized, the number of minors under their supervision, and the circumstances under which volunteers were utilized.

No record of the detention of such a person shall be made or kept by any law enforcement agency or the Department of Justice as a record of arrest.

## APPENDIX 2

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### 207 WELFARE AND INSTITUTIONS CODE

207. (a) No minor shall be detained in any jail, lockup, juvenile hall, or other secure facility who is taken into custody solely upon the ground that he or she is a person described by Section 601 or adjudged to be such or made a ward of the juvenile court solely upon that ground, except as provided in subdivision (b). If any such minor, other than a minor described in subdivision (b), is detained, he or she shall be detained in a sheltered-care facility or crisis resolution home as provided for in Section 654, or in a non-secure facility provided for in subdivision (a), (b), (c), or (d) of Section 727.

(b) A minor taken into custody upon the ground that he or she is a person described in Section 601, or adjudged to be a ward of the juvenile court solely upon that ground, may be held in a secure facility, other than a facility in which adults are held in secure custody, in any of the following circumstances:

(1) For up to 12 hours after having been taken into custody for the purpose of determining if there are any outstanding wants, warrants, or holds against the minor in cases where the arresting officer or probation officer has cause to believe that the wants, warrants, or holds exist.

(2) For up to 24 hours after having been taken into custody, in order to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his or her parent or guardian.

(3) For up to 24 hours after having been taken into custody, in order to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his or her parent or guardian, whose parent or guardian is a resident outside of the state wherein the minor was taken into custody, except that the period may be extended to no more than 72 hours when the return of the minor cannot reasonably be accomplished within 24 hours due to the distance of the parents or guardian from the county of custody, difficulty in locating the parents or guardian, or difficulty in locating resources necessary to provide for the return of the minor.

(c) Any minor detained in juvenile hall pursuant to subdivision (b) may not be permitted to come or remain in contact with any person detained on the basis that he or she has been taken into custody upon the ground that he or she is a person described in Section 602 or adjudged to be such or made a ward of the juvenile court upon that ground.

(d) Minors detained in juvenile hall pursuant to Sections 601 and 602 may be held in the same facility provided they are not permitted to come or remain in contact within that facility.

(e) Every county shall keep a record of each minor detained under subdivision (b), the place and length of time of the detention, and the reasons why the detention was necessary. Every county shall report this information to the Board of Corrections on a monthly basis, on forms to be provided by that agency.

The board shall not disclose the name of the detainee, or any personally identifying information contained in reports sent to the Youth Authority under this subdivision.



## APPENDIX 3

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### 207.1 WELFARE AND INSTITUTIONS CODE

207. 1 (a) No court, judge, referee, peace officer, or employee of a detention facility shall knowingly detain any minor in a jail or lockup, except as provided in subdivision (b) or (d).

(b) Any minor who is alleged to have committed an offense described in subdivision (b), paragraph (2) of subdivision (d), or subdivision (e) of Section 707 whose case is transferred to a court of criminal jurisdiction pursuant to Section 707. 1 after a finding is made that he or she is not a fit and proper subject to be dealt with under the juvenile court law, or any minor who has been charged directly in or transferred to a court of criminal jurisdiction pursuant to Section 707.01, may be detained in a jail or other secure facility for the confinement of adults, if all of the following conditions are met:

(1) The juvenile court or the court of criminal jurisdiction makes a finding that the minor's further detention in the juvenile hall would endanger the safety of the public or would be detrimental to the other minors in the juvenile hall.

(2) Contact between the minor and adults in the facility is restricted in accordance with Section 208.

(3) The minor is adequately supervised.

(c) A minor who is either found not to be a fit and proper subject to be dealt with under the juvenile court law or who will be transferred to a court of criminal jurisdiction pursuant to Section 707.01, at the time of transfer to a court of criminal jurisdiction or at the conclusion of the fitness hearing, as the case may be, shall be entitled to be released on bail or on his or her own recognizance upon the same circumstances, terms, and conditions as an adult who is alleged to have committed the same offense.

(d) (1) A minor 14 years of age or older who is taken into temporary custody by a peace officer on the basis of being a person described by Section 602, and who, in the reasonable belief of the peace officer, presents a serious security risk of harm to self or others, may be securely detained in a law enforcement facility that contains a lockup for adults, if all of the following conditions are met:

(A) The minor is held in temporary custody for the purpose of investigating the case, facilitating release of the minor to a parent or guardian, or arranging transfer of the minor to an appropriate juvenile facility.

(B) The minor is detained in the law enforcement facility for a period that does not exceed six hours except as provided in subdivision (f).

(C) The minor is informed at the time he or she is securely detained of the purpose of the secure detention, of the length of time the secure detention is expected to last, and of the maximum six-hour period the secure detention is authorized to last. In the event an extension is granted pursuant to subdivision (f), the minor shall be informed of the length of time the extension is expected to last.

(D) Contact between the minor and adults confined in the facility is restricted in accordance with Section 208.

(E) The minor is adequately supervised.

(F) A log or other written record is maintained by the law enforcement agency showing the offense that is the basis for the secure detention of the minor in the facility, the reasons and circumstances forming the basis for the decision to place the minor in secure detention, and the length of time the minor was securely detained.

(2) Any other minor, other than a minor to which paragraph (1) applies, who is taken

into temporary custody by a peace officer on the basis that the minor is a person described by Section 602, may be taken to a law enforcement facility that contains a lockup for adults and may be held in temporary custody in the facility for the purposes of investigating the case, facilitating the release of the minor to a parent or guardian, or arranging for the transfer of the minor to an appropriate juvenile facility. While in the law enforcement facility, the minor may not be securely detained and shall be supervised in a manner so as to ensure that there will be no contact with adults in custody in the facility. If the minor is held in temporary, non-secure custody within the facility, the peace officer shall exercise one of the dispositional options authorized by Sections 626 and 626.5 without unnecessary delay and, in every case, within six hours.

(3) "Law enforcement facility," as used in this subdivision, includes a police station or a sheriff's station, but does not include a jail, as defined in subdivision (i).

(e) The Board of Corrections shall assist law enforcement agencies, probation departments, and courts with the implementation of this section by doing all of the following:

(1) The board shall advise each law enforcement agency, probation department, and court affected by this section as to its existence and effect.

(2) The board shall make available and, upon request, shall provide technical assistance to each governmental agency that reported the confinement of a minor in a jail or lockup in calendar year 1984 or 1985. The purpose of this technical assistance is to develop alternatives to the use of jails or lockups for the confinement of minors. These alternatives may include secure or nonsecure facilities located apart from an existing jail or lockup; improved transportation or access to juvenile halls or other juvenile facilities; and other programmatic alternatives recommended by the board. The technical assistance shall take any form the board deems appropriate for effective compliance with this section.

(f) (1) (A) Under the limited conditions of inclement weather, acts of God, or natural disasters that result in the temporary unavailability of transportation, an extension of the six-hour maximum period of detention set forth in paragraph (2) of subdivision (d) may be granted to a county by the Board of Corrections. The extensions may only be granted by the board on an individual, case-by-case basis. If the extension is granted, the detention of minors under those conditions shall not exceed the duration of the special conditions, plus a period reasonably necessary to accomplish transportation of the minor to a suitable juvenile facility, not to exceed six hours after the restoration of available transportation.

(B) A county that receives an extension under this paragraph shall comply with the requirements set forth in subdivision (d). The county also shall provide a written report to the board that specifies when the inclement weather, act of God, or natural disaster ceased to exist, when transportation availability was restored, and when the minor was delivered to a suitable juvenile facility. If the minor was detained in excess of 24 hours, the board shall verify the information contained in the report.

(2) Under the limited condition of temporary unavailability of transportation, an extension of the six-hour maximum period of detention set forth in paragraph (2) of subdivision (d) may be granted by the board to an offshore law enforcement facility. The extension may be granted only by the board on an individual, case-by-case basis. If the extension is granted, the detention of minors under those conditions shall extend only until the next available mode of transportation can be arranged. An offshore law enforcement facility that receives an extension under this paragraph shall comply with the requirements set forth in subdivision (d). The facility also shall provide a written report to the board that specifies when the next mode of transportation became available, and when the minor was delivered to

a suitable juvenile facility. If the minor was detained in excess of 24 hours, the board shall verify the information contained in the report.

(3) At last annually, the board shall review and report on extensions sought and granted under this subdivision. If, upon that review, the board determines that a county has sought one or more extensions resulting in the excessive confinement of minors in adult facilities, or that a county is engaged in a pattern and practice of seeking extensions, it shall require the county to submit a detailed explanation of the reasons for the extensions sought and an assessment of the need for a conveniently located and suitable juvenile facility. Upon receiving this information, the board shall make available, and the county shall accept, technical assistance for the purpose of developing suitable alternatives to the confinement of minors in adult lockups.

(g) Any county that did not have a juvenile hall on January 1, 1987, may establish a special purpose juvenile hall, as defined by the Board of Corrections, for the detention of minors for a period not to exceed 96 hours. Any county that had a juvenile hall on January 1, 1987, also may establish, in addition to the juvenile hall, a special purpose juvenile hall. The board shall prescribe minimum standards for any such facility.

(h) No part of a building or a building complex that contains a jail may be converted or utilized as a secure juvenile facility unless all of the following criteria are met:

(1) The juvenile facility is physically, or architecturally, separate and apart from the jail or lockup such that there could be no contact between juveniles and incarcerated adults.

(2) Sharing of nonresidential program areas only occurs where there are written policies and procedures that assure that there is a time-phased use of those areas that prevents contact between juveniles and incarcerated adults.

(3) The juvenile facility has a dedicated and separate staff from the jail or lockup, including management, security, and direct care staff. Staff who provide specialized services such as food, laundry, maintenance, engineering, or medical services, who are not normally in contact with detainees, or whose infrequent contacts occur under conditions of separation of juveniles and adults, may serve both populations.

(4) The juvenile facility complies with all applicable state and local statutory, licensing, and regulatory requirements for juvenile facilities of its type.

(i)(1) "Jail," as used in this chapter, means a locked facility administered by a law enforcement or governmental agency, the purpose of which is to detain adults who have been charged with violations of criminal law and are pending trial, or to hold convicted adult criminal offenders sentenced for less than one year.

(2) "Lockup," as used in this chapter, means any locked room or secure enclosure under the control of a sheriff or other peace officer that is primarily for the temporary confinement of adults upon arrest.

(3) "Offshore law enforcement facility," as used in this section, means a sheriff's station containing a lockup for adults that is located on an island located at least 22 miles from the California coastline.

(j) Nothing in this section shall be deemed to prevent a peace officer or employee of an adult detention facility or jail from escorting a minor into the detention facility or jail for the purpose of administering an evaluation, test, or chemical test pursuant to Section 23157 of the Vehicle Code, if all of the following conditions are met:

(1) The minor is taken into custody by a peace officer on the basis of being a person described by Section 602 and there is no equipment for the administration of the evaluation, test, or chemical test located at a juvenile facility within a reasonable distance of the point where the minor was taken into custody.

(2) The minor is not locked in a cell or room within the adult detention facility or jail, is under the continuous, personal supervision of a peace officer or employee of the detention facility or jail, and is not permitted to come in contact or remain in contact with in-custody adults.

(3) The evaluation, test, or chemical test administered pursuant to Section 23157 of the Vehicle Code is performed as expeditiously as possible, so that the minor is not delayed unnecessarily within the adult detention facility or jail. Upon completion of the evaluation, test, or chemical test, the minor shall be removed from the detention facility or jail as soon as reasonably possible. No minor shall be held in custody in an adult detention facility or jail under the authority of this paragraph in excess of two hours.

## **APPENDIX 4**

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### **208 WELFARE AND INSTITUTIONS CODE**

208. (a) When any person under 18 years of age is detained in or sentenced to any institution in which adults are confined, it shall be unlawful to permit such person to come or remain in contact with those adults.

(b) No person who is a ward or dependent child of the juvenile court who is detained in or committed to any state hospital or other state facility shall be permitted to come or remain in contact with any adult person who has been committed to any state hospital or other state facility as a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6, or with any adult person who has been charged in an accusatory pleading with the commission of any sex offense for which registration of the convicted offender is required under Section 290 of the Penal Code and who has been committed to any state hospital or other state facility pursuant to Section 1026 or 1370 of the Penal Code.

(c) As used in this section, "contact" does not include participation in supervised group therapy or other supervised treatment activities, participation in work furlough programs, or participation in hospital recreational activities which are directly supervised by employees of the hospital, so long as living arrangements are strictly segregated and all precautions are taken to prevent unauthorized associations.

(d) This section shall be operative January 1, 1998.

## APPENDIX 5

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### 209 WELFARE AND INSTITUTIONS CODE

209. (a) The judge of the juvenile court of a county, or, if there is more than one judge, any of the judges of the juvenile court shall, at least annually, inspect any jail, juvenile hall, or special purpose juvenile hall that, in the preceding calendar year, was used for confinement, for more than 24 hours, of any minor.

The judge shall promptly notify the operator of the jail, juvenile hall, or special purpose juvenile hall of any observed noncompliance with minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210. Based on the facility's subsequent compliance with the provisions of subdivisions (d) and (e), the judge shall thereafter make a finding whether the facility is a suitable place for the confinement of minors and shall note the finding in the minutes of the court.

The Board of Corrections shall conduct a biennial inspection of each jail, juvenile hall, lockup, or special purpose juvenile hall situated in this state that, during the preceding calendar year, was used for confinement, for more than 24 hours, of any minor. The board shall promptly notify the operator of any jail, juvenile hall, lockup, or special purpose juvenile hall of any noncompliance found, upon inspection, with any of the minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210 or 210.2.

If either a judge of the juvenile court or the board, after inspection of a jail, juvenile hall, special purpose juvenile hall, or lockup, finds that it is not being operated and maintained as a suitable place for the confinement of minors, the juvenile court or the board shall give notice of its finding to all persons having authority to confine minors pursuant to this chapter and commencing 60 days thereafter the facility shall not be used for confinement of minors until the time the judge or the board, as the case may be, finds, after reinspection of the facility that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of minors.

The custodian of each jail, juvenile hall, special purpose juvenile hall, and lockup shall make any reports as may be requested by the board or the juvenile court to effectuate the purposes of this section.

(b) The Board of Corrections may inspect any law enforcement facility that contains a lockup for adults and that it has reason to believe may not be in compliance with the requirements of subdivision (d) of Section 207.1 or with the certification requirements or standards adopted under Section 210.2. A judge of the juvenile court shall conduct an annual inspection, either in person or through a delegated member of the appropriate county or regional juvenile justice commission, of any law enforcement facility that contains a lockup for adults which, in the preceding year, was used for the secure detention of any minor. If the law enforcement facility is observed, upon inspection, to be out of compliance with the requirements of subdivision (d) of Section 207.1, or with any standard adopted under Section 210.2, the board or the judge shall promptly notify the operator of the law enforcement facility of the specific points of noncompliance.

If either the judge or the board finds after inspection that the facility is not being operated and maintained in conformity with the requirements of subdivision (d) of Section 207.1 or with the certification requirements or standards adopted under Section 210.2, the juvenile court or the board shall give notice of its finding to all persons having authority to securely detain minors in the facility, and, commencing 60 days thereafter, the facility shall not be used for the secure detention of a minor until the time the judge or the board, as the

case may be, finds, after reinspection, that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for the confinement of minors in conformity with all requirements of law.

The custodian of each law enforcement facility that contains a lockup for adults shall make any reports as may be requested by the board or by the juvenile court to effectuate the purposes of this subdivision.

(c) The board shall collect biennial data on the number, place, and duration of confinements of minors in jails and lockups, as defined in subdivision (i) of Section 207.1, and shall publish biennially this information in the form as it deems appropriate for the purpose of providing public information on continuing compliance with the requirements of Section 207.1.

(d) Except as provided in subdivision (e), a juvenile hall, special purpose juvenile hall, law enforcement facility, or jail shall be unsuitable for the confinement of minors if it is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210 or 210.2, and if, within 60 days of having received notice of noncompliance from the board or the judge of the juvenile court, the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail has failed to file an approved corrective action plan with the Board of Corrections to correct the condition or conditions of noncompliance of which it has been notified. The corrective action plan shall outline how the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail plans to correct the issue of noncompliance and give a reasonable timeframe, not to exceed 90 days, for resolution, that the board shall either approve or deny. In the event the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail fails to meet its commitment to resolve noncompliance issues outlined in its corrective action plan, the board shall make a determination of suitability at its next scheduled meeting.

(e) Where a juvenile hall is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of Corrections under Section 210, and where the noncompliance arises from sustained occupancy levels that are above the population capacity permitted by applicable minimum standards, the juvenile hall shall be unsuitable for the confinement of minors if the board or the judge of the juvenile court determines that conditions in the facility pose a serious risk to the health, safety, or welfare of minors confined in the facility. In making its determination of suitability, the board or the judge of the juvenile court shall consider, in addition to the noncompliance with minimum standards, the totality of conditions in the juvenile hall, including the extent and duration of overpopulation as well as staffing, program, physical plant, and medical and mental health care conditions in the facility. The Board of Corrections may develop guidelines and procedures for its determination of suitability in accordance with this subdivision and to assist counties in bringing their juvenile halls into full compliance with applicable minimum standards. This subdivision shall not be interpreted to exempt a juvenile hall from having to correct, in accordance with the provisions of subdivision (d), any minimum standard violations that are not directly related to overpopulation of the facility.

## **APPENDIX 6**

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### **210.2 WELFARE AND INSTITUTIONS CODE**

210.2 (a) The Board of Corrections shall adopt regulations establishing standards for law enforcement facilities which contain lockups for adults and which are used for the temporary, secure detention of minors upon arrest under subdivision (d) of Section 207.1. The standards shall identify appropriate conditions of confinement for minors in law enforcement facilities, including standards for places within a police station or sheriff's station where minors may be securely detained; standards regulating contact between minors and adults in custody in lockup, booking, or common areas; standards for the supervision of minors securely detained in these facilities; and any other related standard as the board deems appropriate to effectuate compliance with subdivision (d) of Section 207.1.

(b) Every person in charge of a law enforcement facility which contains a lockup for adults and which is used in any calendar year for the secure detention of any minor shall certify annually that the facility is in conformity with the regulations adopted by the board under subdivision (a). The certification shall be endorsed by the sheriff or chief of police of the jurisdiction in which the facility is located and shall be forwarded to and maintained by the board. The board may provide forms and instructions to local jurisdictions to facilitate compliance with this requirement.



## **APPENDIX 7**

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### **229 WELFARE AND INSTITUTIONS CODE**

229. It shall be the duty of a juvenile justice commission to inquire into the administration of the juvenile court law in the county or region in which the commission serves. For this purpose the commission shall have access to all publicly administered institutions authorized or whose use is authorized by this chapter situated in the county or region, shall inspect such institutions no less frequently than once a year, and may hold hearings. A judge of the juvenile court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers at hearings of the commission.

A juvenile justice commission shall annually inspect any jail or lockup within the county which in the preceding calendar year was used for confinement for more than 24 hours of any minor. It shall report the results of such inspection together with its recommendations based thereon, in writing, to the juvenile court and to the Board of Corrections.

## **APPENDIX 8**

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### **SECURE DETENTION LOG**

## **APPENDIX 9**

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### **NON-SECURE CUSTODY LOG**